

It follows, therefore, that any question involving the immediate jurisdiction of the Federal Government within a territory should be considered in the light of the powers expressly delegated by Congress to the territorial government.³

In commenting upon the Foraker Act,⁴ which provided local self-government for the people of Puerto Rico, the Supreme Court of the United States said in *Gromer v. Standard Dredging Co.*⁵

The purpose of the act is to give local self-government, conferring autonomy similar to that of the States and Territories, reserving to the United States rights to the harbor areas and navigable waters for the purpose of exercising the usual national control and jurisdiction over commerce and navigation.

The United States could have reserved control and exercised it as it does in instances, by the consent of the states, over certain places in the States devoted to the governmental service of the United States. We do not think, as we have said, that the United States has done so and that it has not is the view of the Executive Department of the government as expressed by the Attorney General.

The opinion of the Attorney General⁶ which was discussed in the *Gromer* case, next above referred to, involved the question as to what extent the Navy Department could exercise jurisdiction over the lands of Subig Bay Naval Reservation, Philippine Islands, which had been set aside by Executive Order and "placed under the governance and control of the Navy Department," and whether such jurisdiction was of the character and extent to exclude the power of the Philippine Government within the reservation. The Attorney General, although recognizing that in such reservations "the military control up to the limit of the military necessities would be paramount," nevertheless observed that "a territorial statute is operative upon a military reservation within a Territory so long as it does not conflict with the laws of the United States or with the military administration and legitimate operations of the Government." He commented further that "the exercise of local jurisdiction having ordinary municipal purposes over a reservation in a Territory is valid until and unless disapproved by Congress," and concluded that the jurisdiction of the Navy Department was "not of such character and extent to exclude the civil powers of the Philippine Government relating to the imposition of taxes, the management and disposition of real and personal property, the running of ordinary civil writs, and, in general, the

³ Alaska; Act approved Aug. 24, 1912 (37 Stat. 512; U. S. C. Title 48 Sec. 21, et seq.). See *Carscadden v. Territory of Alaska*, 105 Fed. (2) 377. Hawaii: Act approved Apr. 30, 1900 (31 Stat. 141; U. S. C., Title 48 Sec. 491, et seq.). Philippines: Act approved Aug. 29, 1916 (39 Stat. 547; U. S. C., Title 48 Sec. 1001 et seq.); Philippine Independence Act approved March 24, 1934 (48 Stat. 456). See *Asiatic Pet. Co. v. Insular Collector of Customs*, 297 U. S. 666, 80 L. ed. 967, 56 S. Ct. 651. Puerto Rico: Acts approved Apr. 12, 1900 (31 Stat. 77), March 2, 1917 (39 Stat. 951) and May 17, 1932 (47 Stat. 158); U. S. C. Title 48, Sec. 731, et seq. Virgin Islands: Act approved March 3, 1917 (39 Stat. 1132; U. S. C. Title 48, Sec. 1391, et seq.).

⁴ Act approved April 12, 1900 (31 Stat. 77).

⁵ 224 U. S. 362, 370.

⁶ 26 Atty. Gen. 91.